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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,174	03/12/2004	Diana L. Lane	06_SAF_27	9523
52944	7590	11/14/2007		
LANE PATENTS LLC 100 NORTH 72ND AVE. SUITE 107 WAUSAU, WI 54401			EXAMINER CROSLAND, DONNIE L	
			ART UNIT 2612	PAPER NUMBER
			NOTIFICATION DATE 11/14/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

FRED@LANEPATENTS.COM

SK

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/799,174		LANE ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	DONNIE L. CROSLAND		2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9-3-07 has been entered.

### ***Claim Rejections - 35 USC § 112***

Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 36, the phrase "said combining" has no antecedent basis.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 22-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basile et al in view of Rothschild et al.

Basile shows the apparatus for use by an appropriate authority to assist in locating and identifying a missing subject comprising an electronic storage medium 18 or 20 containing unique identifying indicia of the subject see col. 4.

Basile fails to suggest a software program on the portable storage medium 18 or 20.

Rothschild shows the method and apparatus for providing personal identifying indicia on a portable electronic storage medium 14 and provides for software 17 which functions independent of the interfacing means 12, see figure 3, paragraphs 0017-0020.

It would have been obvious to one having ordinary skill in the art to provide a software program on the portable storage medium 18 or 20 of the personal identification system of Basile because the use and advantages of a software program provided on the portable storage medium in a personal identification system is clearly suggested by Rothschild et al.

Any advantages seen are those naturally expected due to the software program incorporated into the portable electronic storage medium.

Basile fails to suggest the terminology "kit".

A kit is no more than a collection of article usually for personal use or a set of parts that may be assembled.

Basile provides that the identification card 18 can be worn of shoe laces, key chains, belt loops, and any other article of clothing, see col. 3, lines 53-63.

Accordingly, the skilled artisan recognizes that when the identification card 18 is combined or assembled with the articles above, such suites the definition of a "kit".

It would have been obvious to one having ordinary skill in the art to consider the combined electronic storage medium 18 and an article of clothing or a key chain as a kit within the meaning of kit.

Claim 23, see paragraph 0020 of Rothschild.

Claim 24, see paragraphs 0007-0009 of Rothschild.

Claim 25, see paragraph 0029 of Rothschild.

Claim 26, "purging" is no more than the conventional dumping of data from memory to make room for new data. Such is conventional in downloading and uploading data in the storage device of either Basile or Rothschild.

Claims 27, 34, 38, 41, 42, and 44, the recited encrypted and decrypted limitations are suggested in col. 3, lines 49-52, col. 5, lines 1-10 of Basile as well as passwords in paragraphs 0010, 0018 of Rothschild.

The artisan recognizes the use and advantages of encryption as evidence in the prior art.

It would have been obvious to one having ordinary skill in the art to encrypt and decrypt the stored information, for example images that have been protected from unauthorized use in col. 0006 of Rothschild.

Also see access to data of the device may be allowed upon entry of an appropriate password, paragraph 0010 of Rothschild.

With respect to claim 28, see family 24 of Basile et al.

With respect to claim 29, the artisan recognizes that the key is associated with the authorization code given to the manufacturer 16 by the family 24 of Basile et al.

Claims 30 and 33, see col. 5, lines 11-21 of Basile.

With respect to claim 32, Basile shows the method and apparatus for forming an ID card for identifying and locating a missing subject and includes storing on an electronic storage medium 18 or 20 unique identifying indicia including at least one photo and retaining the storage medium by the family 24 which is separate from the subject which is wearing the tag 20 and separate from the centralized storage facility 16, and utilizing the storage medium 18 or 20 to deliver the indicia to the authority should the subject go missing, see figure 1, col. 3, lines 53-67, col. 4, lines 1-34.

A kit is no more than a collection of article usually for personal use or a set of parts that may be assembled, see explanation above

Basile provides that the identification card 18 can be worn of shoelaces, key chains, belt loops, and any other article of clothing, see col. 3, lines 53-63.

Accordingly, the skilled artisan recognizes that when the identification card 18 is combined or assembled with the articles above, such suites the definition of a "kit".

It would have been obvious to one having ordinary skill in the art to consider the combined electronic storage medium 18 and an article of clothing or a key chain as a kit within the meaning of kit.

With respect to claims 22, 32, and 34, the language retaining the kit separate from the person of the subject is further obvious in view of Rothschild who teaches the

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artisan that the kit or portable device is provided to be carried by an **individual or a family member**, see abstract.

Accordingly, clear suggestion lies in Rothschild for retaining an ID kit or device separately from the subject.

Accordingly, it would have been obvious to one having ordinary skill in the art to retain the kit or device of Basile separately from the subject because the use and advantages of retaining a kit or device separately from a subject are taught by Rothschild.

Any advantages realized are those naturally expected to occur due to the separate retention of the kit or device in Basile as evidence in the teachings of Rothschild.

With respect to claim 34, the third party includes manufacturer 16 of Basile.

With respect to claim 35, note camera in paragraph 0029 of Rothschild.

With respect to claim 36, note the identifying indicia of the subject includes personal information and a picture image on the kits in figures 2A and 3, see col. 5, lines 11-21 of Basile. Such is retained separately from a centralized database as discussed above and specifically in view of Rothschild.

With respect to claim 37, memory purge is conventional and would not involve patentable invention.

Purging is no more than the removal of the memory contents with new contents (dumping).

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Basile suggests the use of the kit as an EPROM (col. 4, lines 8-13), preferably re-writable so as to enable updating. The examiner contends that the rewriting of data, which constitutes the replacement of old data, is analogous to purging since the old data is replaced.

With respect to Rothschild, the artisan recognizes "purging" as being analogous to the data on the memory storage device as being erased and rewritten over, paragraph 0007.

With respect to claims 39 and 40, see communications network in col. 3, lines 31-40 of Basile. E-mail communication would not involve patentable invention.

With respect to claim 41, note encrypted and decrypted in col. 3, lines 49-52 of Basile.

With respect to claim 42, the recited encrypted and decrypted limitations are suggested in col. 3, lines 49-52, col. 5, lines 1-10 of Basile as well as passwords in paragraphs 0010, 0018 of Rothschild.

The artisan recognizes the use and advantages of encryption as evidence in the prior art.

It would have been obvious to one having ordinary skill in the art to encrypt and decrypt the stored information, for example images that have been protected from unauthorized use in col. 0006 of Rothschild.

Also see access to data of the device may be allowed upon entry of an appropriate password, paragraph 0010 of Rothschild.



The method of organizing a search for a missing individual having stages of escalation during the search are clearly achieved with respect to the identifying indicia in the references.

For example, the stages of escalation with respect to "organizational structure" and "based on predetermined parameters" as discussed in paragraph 0006 of Rothschild

With respect to claim 43, video and audio are suggested in paragraph 0020 of Rothschild.

With respect to claim 44, see fingerprint in col. 4, lines 59-60 of Basile.

### ***Response to Arguments***

Applicant's arguments filed 9-3-07 have been fully considered but they are not persuasive. Applicants argue that Basile fails to teach the artisan to locate a missing subject because the ID system is attached to the missing subject, making it impossible to use the kit to locate the very subject the kit is attached to.

The examiner contends that Rothschild teaches the artisan to attach or retain a kit or device separate from the subject.

Also, the artisan realizes from the teachings of Basile that the kit or device as shown in figures 2A or 3 which has information on the subject (child) is given to a pre-authorized operator such as family 24.

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The artisan recognizes that this family member who possess the kit which has information on the subject (individual that carries the kit) and may at any time access the identifying indicia of the subject.

The family member does not have to give the kit to the subject, and may conveniently access the indicia when needed.

The artisan recognizes that the kit or device of either Basile or Rothschild may be given to anyone whereby the stored data with respect to someone may be accessed.

Patentable invention is not involved in the particular person that accesses the data.

Applicants' arguments regarding a centralized or relational database are not persuasive since the identifying indicia in each reference are retained separately from a centralized database.

The centralized database reads on any remote database. Such may be a remote personal computer, a remote location from an administrative station, or a disk.

It is clear from the teachings of the references that the kit or device are clearly retained separately from a centralized database and does not need such to operate.

Applicants' arguments with respect to viewing software are not persuasive in view of paragraphs 0005-0009 of Rothschild.

Applicants' arguments with respect to "purging" are noted.

The comments with respect to "filtering" are withdrawn.

Purging is no more than the removal of the memory contents with new contents (dumping).

Basile suggests the use of the kit as an EPROM (col. 4, lines 8-13), preferably re-writable so as to enable updating. The examiner contends that the rewriting of data, which constitutes the replacement of old data, is analogous to purging since the old data is replaced.

With respect to Rothschild, the artisan recognizes "purging" as being analogous to the data on the memory storage device as being erased and rewritten over, paragraph 0007.

Applicants argue that a multi-stage approach to the control of information is not taught in the prior art as evidenced in claims 42-44.

With respect to claim 42, the recited encrypted and decrypted limitations are suggested in col. 3, lines 49-52, col. 5, lines 1-10 of Basile as well as passwords in paragraphs 0010, 0018 of Rothschild.

The artisan recognizes the use and advantages of encryption as evidence in the prior art.

It would have been obvious to one having ordinary skill in the art to encrypt and decrypt the stored information, for example images that have been protected from unauthorized use in col. 0006 of Rothschild.

Also see access to data of the device may be allowed upon entry of an appropriate password, paragraph 0010 of Rothschild.

The method of organizing a search for a missing individual having stages of escalation during the search are clearly achieved with respect to the identifying indicia in the references.

For example, the stages of escalation with respect to "organizational structure" and "based on predetermined parameters" as discussed in paragraph 0006 of Rothschild

It is submitted that the disclosures of Basile and Rothschild generally characterize what the applicants regard as their invention.

The examiner contends that applicants' invention is no more than the storage medium 18 as shown in figure 2A of Basile and figure 1 of Rothschild.

The artisan is not limited as to which authority gains access to the data stored on the medium and may be any of the third parties 22 of Basile or Rothschild.

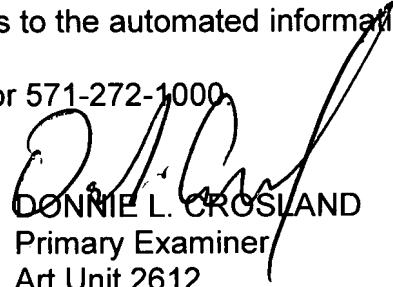
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is 571-272-2980. The examiner can normally be reached on Mon-Thur. 9:30a-6:00p.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL J. WU can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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DONNIE L. CROSLAND  
Primary Examiner  
Art Unit 2612

DLC   
11-6-07